

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. 5:91-CR-291
v.) Judge Dan Aaron Polster
LARRY DEAN DUSENBERY,) OPINION & ORDER
Defendant.)

On July 10, 2019, Defendant Larry Dean Dusenberry filed a Motion to Reduce Sentence under 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act. Doc #: 671. In his Motion, Dusenberry asks the Court to reduce his sentence to time served based on his age and significant health issues. Dusenberry filed a request for compassionate relief with the Warden on May 20, 2019. *See* Doc #: 673; Def. Resp. at 1. The Warden denied Dusenberry's request on July 11, 2019. *Id.* Pursuant to 18 U.S.C. § 3582(c)(1)(A), Dusenberry had a right to file a motion with this Court 30 days after he submitted his request to the Warden. Thus, Dusenberry's request for compassionate relief is now properly before the Court.

However, on August 1, 2019, the Government filed a Request to Stay Review of Defendant's Motion for Release so that the Bureau of Prisons could complete a full review of Dusenberry's health condition. Doc #: 672. The Government argues that the BOP's thorough review of Dusenberry's health condition will aid the Court in ruling on Dusenberry's Motion. *Id.* at 1. Dusenberry filed a Response on August 2, 2019, arguing that his motion is ripe and should be

decided without the BOP's evaluation. Doc #: 673. The Government filed a Reply brief on August 5, 2019. Doc #: 674. After carefully reviewing the parties' submissions, the Court determines that staying Dusenbery's Motion until after the BOP has completed its investigation would allow the Court the benefit of reviewing a thorough record of Dusenbery's health condition. Accordingly, the Court will grant the Government's request for a 90-day stay. The Court **REQUESTS** that the BOP complete its evaluation and submit a written report to the Government, Dusenbery's counsel, and the Court by November 6, 2019. The BOP's written report should fully address Dusenbery's significant medical concerns.

IT IS SO ORDERED.

/s/ Dan Aaron Polster Aug. 8, 2019
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE